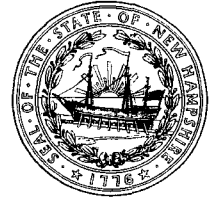




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

October 14, 2005

Randy Pabst
Baker Valley Floors
34 Route 25
Plymouth, New Hampshire 03264

CERTIFIED MAIL (7099 3400 0018 1290 1004)
RETURN RECEIPT REQUESTED
NOTICE OF PAST VIOLATION

RE: Improper Asbestos Removal at the Wentworth Elementary School

Dear Mr. Pabst:

On August 10, 2004, the New Hampshire Department of Environmental Services, Air Resources Division ("DES"), received a telephone call from Steve MacPherson, a consultant with the Scott Lawson Group, Ltd. Mr. MacPherson indicated that contractors from Baker Valley Floors ("Baker") were improperly removing asbestos-containing material ("ACM") at the Wentworth Elementary School ("the School") in Wentworth, NH. Mr. MacPherson closed the School and contacted DES after observing chipped, asbestos-containing floor tile in the School's kitchen while on a three-year re-inspection.

On August 12, 2004, DES personnel went to the School to determine if ACM had been disturbed during the renovation project, and to determine conformance with provisions of RSA 141-E and the NH Admin. Rules Env-A 1800, *Asbestos Management and Control*, regulating asbestos abatement activities. During the site visit, DES personnel observed that the School's kitchen was under containment and the removal work was being finished. Also, DES personnel observed a bulletin board with a sheet of the School's management plan identifying the asbestos materials in the school, including the kitchen floor.

The School's kitchen floor consisted of three layers, two that were asbestos-containing, and the third had asbestos-containing mastic. Baker reportedly tore off the top layer, and then used scrapers to remove the next two layers, thoroughly breaking the tile in the process, and separating the vinyl layer from the paper backing glued to the concrete floor. You stated that the workers were only supposed to remove the top layer and repair the next layer as needed to install the new flooring. Most of the flooring debris was taken to the Baker office and thrown into a dumpster for transport to a landfill.

The purpose of this letter is to notify you of the violations discovered during the August 12, 2004 inspection. The specific violations are as follows:

- Env-A 1805 contains specific provisions pertaining to proper ACM handling, removal and disposal in the State of New Hampshire. In particular, Env-A 1805.06 requires the School to follow proper asbestos removal procedures. Additionally, Env-A 1805 requires that the operator of a facility at which major asbestos abatement activity will occur take steps to prevent exposure to asbestos fibers during removal, including isolating the work area and using wet removal methods.

On August 12, 2004, A-Best Abatement Inc., an asbestos abatement firm, began the cleanup work and removed the remaining asbestos-containing flooring in conformance with RSA 141-E and the NH Admin Rules. Accordingly, no further action related to the listed violation is required. DES believes that Baker can avoid the improper disturbance of ACM and the health hazards and liability that are associated with exposure to asbestos by complying with Env-A 1800, *Asbestos Management and Control*.

If you believe that DES has cited these violations in error or have any questions or additional information regarding this matter, please contact Mr. Steve Cullinane, Asbestos Program Manager, Compliance Bureau, Air Resources Division, at (603) 271-1373.

Sincerely,

A handwritten signature in black ink is written over the word "COPY". The signature appears to be "P. Monroe" with a long horizontal flourish extending to the right.

Pamela G. Monroe
Compliance Bureau Administrator
Air Resources Division

PGM/emj

Encl.: Env-A 1800

cc: W. Toland, EPA
G. Hamel, Legal Unit Administrator
Source File